

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION**

**ARTHUR J. GALLAGHER & CO. AND
ARTHUR J. GALLAGHER RISK
MANAGEMENT SERVICES, INC.**

VS.

**KEVIN J. DUNN, TRACY D. TUCKER,
TUCKER AGENCY, LTD. d/b/a
TUCKER & DUNN BOND AGENCY**

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**C.A. No. 5-09-CV-75-C
JURY DEMANDED**

**PLAINTIFFS' MOTION REGARDING COMPLIANCE WITH
PRELIMINARY INJUNCTION**

Plaintiffs, Arthur J. Gallagher & Co. and Arthur J. Gallagher Risk Management Services, Inc. (collectively "Gallagher"), file this motion regarding compliance with the Preliminary Injunction (Document 58) issued on September 11, 2009, and would show the Court as follows:

1. Page 7 of the Preliminary Injunction states that in order for the Preliminary Injunction to become effective, Gallagher must file a \$100,000.00 bond:

IT IS FURTHER ORDERED that Plaintiffs are required to file a bond in the amount of \$100,000.00, after which the Clerk of the Court shall issue a Preliminary Injunction in conformity with the law and the terms of this Order. This Order shall not be effective unless and until Plaintiffs execute and file with the Clerk this bond, in conformity with the law.

See Document 58, p. 7.

2. On September 14, 2009, Gallagher filed a \$100,000.00 bond with the Clerk in compliance with the Preliminary Injunction. *See* Document 61. Accordingly, Gallagher asks that the Court issue an Order indicating that the Preliminary Injunction is effective as of the filing of the bond.

For these reasons, Plaintiffs ask the Court to issue an Order indicating that the Preliminary Injunction (Document 58) is effective as of the filing of the \$100,000.00 bond. Plaintiffs also ask for all other relief to which they are justly entitled.

Respectfully submitted,

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***ATTORNEYS FOR PLAINTIFFS, ARTHUR J.
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GALLAGHER RISK MANAGEMENT SERVICES,
INC.***

CERTIFICATE OF CONFERENCE

I hereby certify that I conferred with Kevin Kennedy regarding the filing of this motion and Mr. Kennedy agrees that the bond was filed.

/s/ David L. Countiss

David L. Countiss

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served upon the counsel listed below via ECF on the 15th day of September, 2009.

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